IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1970 OF 2007

Narasgonda Satgaonda Patil ..Petitioner

Vs.

State of Maharashtra and anr. ..Respondents

Mr. Sudatta Patil for petitioner.
Ms. S.V. Gajare, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 29, 2007.

P.C.:

1. Heard Mr. Patil the learned counsel for the petitioner who is facing prosecution in Regular Criminal Case No. 112 of 2006 for the offences punishable under Sections 171(g), 468 and 471 of IPC, presently pending before the learned JMFC at Sangli and in the said case process was issued on 5/4/2006. Said complaint arose from the elections held on 6/4/2004 for electing the Board of Directors of Vasantdada Shetkari Sahakari Bank Ltd. which is a Co-operative Bank governed by the provisions of

Maharashtra Co-operative Societies Act, 1960. It appears that in the said elections the petitioner contested as a candidate from the Economically Backward Classes (EBC). The present respondent no.2 challenged the said election before the Commissioner and simultaneously filed RCC No. 112 of 2006. The order of issuance of process , in these circumstances, challenged before the Sessions Court in Criminal Revision Application No. 81 of 2007 and the same has been dismissed on 3/5/2007. Hence this petition.

2. In Election Application No. 10 of 2005, presently pending before the Divisional Commissioner at Pune and filed under Section 144 (T) of the Maharashtra Co-operative Societies Act, the respondent no.2-applicant has challenged the present petitioner’s election and prayed for setting aside the same and for permanent disqualification of the petitioner for contesting elections from the category of EBC, whereas in RCC No. 112 of 2006 the complainant has prayed for convicting the petitioner under Section 171 (g), 468 and 471 of IPC. Having regards to the period of sentence set out under Sections 468 and 471 of IPC, it

cannot be said that the complaint filed by the present respondent no.2 before the learned Chief Judicial Magistrate at Sangli was hit by the provisions of limitations under Section 468 of Cr.P.C. and in any case, as noted by the Sessions Court, the reliefs in the pending proceedings before different forums are not same or similar. The complainant has made out a triable case in RCC No.112 of 2006 by a specific averments and, therefore, the revision application has been rightly rejected.

3. No case is made out to cause interference under Article 227 of the Constitution. Hence, the petition is rejected. Needless to mention, the trial of the pending complaint will proceed on its own merits and the same is hereby expedited.

(B.H. Marlapalle,J.)